

FEB 12 2014

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

BANS PASTA, LLC,

Plaintiff,

v.

MIRKO FRANCHISING, LLC,
MIRKO DI GIACOMANTONIO, and
ARCHIE B. CRENSHAW,

Defendants.

Case No.: 7:13-cv-00360-JCT

ORDER

By: James C. Turk
Senior United States District Judge

This matter is before the Court on Defendants' Motion to Dismiss. ECF No. 13. For the reasons explained in the accompanying Memorandum Opinion, it is hereby

ADJUDGED AND ORDERED

that the Motion to Dismiss is **GRANTED IN PART and DENIED IN PART**. It is granted as to Count I and Count I of Plaintiff's Complaint is hereby dismissed with prejudice. It is **DENIED** as to the remaining counts in the Complaint.

The Clerk of Court is directed to send copies of this Order and the accompanying Memorandum Opinion to counsel of record for both parties.

ENTER: This 12th day of February, 2014.

[Signature]
Hon. James C. Turk
Senior United States District Judge